

## REMARKS/ARGUMENTS

Claims 1-51 were previously pending. As noted above, claims 1, 3, 4, 5, 7, 12, 19, 23, 34, 39 and 47 have been amended to further clarify the claims, no claims have been canceled, and no claims have been added. Support for these amendments may be found throughout the Specification.<sup>1</sup> Thus, claims 1-51 remain pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

### *Claim Rejections – 35 USC § 103*

Claims 1-7, 9-16, 18-20, 22-27, 29-36, 39-44 and 46-50 are rejected under 35 USC § 103(a) as being obvious over Gagnon et al. (European Patent Application No. 1 024 661 A2) in view of Wugofski (US Patent No. 6,990,680).

Claim 8 is rejected under 35 USC § 103(a) as being obvious over Gagnon in view of Wugofski and in further view of Birdwell et al. (US Patent No. 6,032,197).

Claims 17, 28 and 45 are rejected under 35 USC § 103(a) as being obvious over Gagnon in view of Wugofski and in further view of Rustad et al. (US Patent No. 6,775,303).

Claims 21, 37-38 and 51 are rejected under 35 USC § 103(a) as being obvious over Gagnon in view of Wugofski and in further view of Matsui et al. (US Patent No. 6,580,756). Applicants respectfully traverse this rejection for at least the following reasons.

To establish a *prima facie* case of obviousness, all of the claimed features must be taught or suggested by the references and there must be some suggestion or motivation, in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *See, e.g., KSR International Co., v. Teleflex Inc.*, No. 04-1350, (US, April 30, 2007).

Initially, independent claim 1 as amended, recites:

transmitting a broadcast session on a broadcast transmission channel, **wherein the broadcast transmission channel is a physical channel**; and

transmitting broadcast overhead information for the broadcast session in-band with the broadcast session on the broadcast transmission channel, **wherein the broadcast overhead information provides information including physical layer formatting information for decoding the physical channel carrying the broadcast session** to a receiver for processing the received broadcast session on

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<sup>1</sup> See, e.g., Specification, paragraphs [0064] and [0082].

the received broadcast channel. (Emphasis added).

The Office Action asserts that Gagnon discloses the above claimed subject matter and cites, Gagnon, paragraphs [0031] [0084]-[0087] and [0090], as support for this assertion. Further, the Office Action asserts, that the cited paragraphs [0084]-[0087] and [0090] disclose that “the SDP+ records including information regarding start and end times of a broadcast, duration of a broadcast, and port of a broadcast, which are all physical channel parameters of the broadcast session used by the receiver to properly tune itself to receive the broadcast session.” See, Office Action, dated February 25, 2010. Contrary to the assertions in the Office Action, the above cited reference neither discloses nor suggests the subject matter as recited in amended independent claim 1.

Initially, as noted above, amended independent claim 1 recites in part, “the broadcast overhead information provides information including physical layer formatting information for decoding the physical channel carrying the broadcast session.” This claimed subject matter is neither disclosed nor suggested by the cited reference. Rather, as noted above, the cited reference is read to disclose “the SDP+ records including information regarding start and end times of a broadcast, duration of a broadcast, and port of a broadcast, which are all physical channel parameters of the broadcast session used by the receiver to properly tune itself to receive the broadcast session.” The above listed values do not teach or suggest “physical layer formatting information for decoding the physical channel carrying the broadcast session,” as is recited in claim 1. In other words, the listing of values which may allow a user to know the timing and channel of a show do not teach or suggest including access information for decoding a signal which includes the broadcast content. Additionally, the cited reference is silent with respect to use of channel layers in general and specifically physical layer formatting information.

Further, “transmitting a broadcast session on a broadcast transmission channel, wherein the broadcast transmission channel is a physical channel,” as recited in claim 1, is neither disclosed nor suggested by the cited reference. Rather, Gagnon merely discloses that the “satellite/relay 104 receives the modulated, encoded bitstream and re-broadcasts it downward toward an area on earth that includes the receiver station 106,” while remaining silent with respect to use of a broadcast transmission channel which is a physical channel as recited in claim 1. Independent claims 3, 5, 7, 12, 19, 23, 24, 34, 39 and 47 recite similar subject matter and are allowable for at least the same reasons as discussed above. Further, claims 2, 4, 6, 8-11, 13-18,

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20-22, 25-33, 35-38, 40-46 and 48-51 depend either directly or indirectly from independent claims 1, 3, 5, 7, 12, 19, 23, 24, 34, 39 and 47 and are also allowed for at least the same reasons as discussed above.

As a corollary, any modification of Gagnon based on the teachings of Wugofski, Birdwell, Rustad or Matsui fails to disclose or suggest the recited subject matter.

Still further, the other cited references are silent with respect to remedying this deficiency. As such Gagnon in view of any combination of Wugofski, Birdwell, Rustad or Matsui fails to disclose or suggest the claimed subject matter.

Therefore, based on the foregoing, Applicants respectfully request the rejections under 35 USC § 103(a) be withdrawn for claims 1-51.

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### CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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